

U.S. Application No. 10/646,318, filed August 22, 2003

Attorney Docket No. 14366US02

Amendment dated December 8, 2008

Accompanying Request for Continued Examination (RCE) mailed December 8, 2008

## **REMARKS**

This paper is a timely Amendment Accompanying a Request for Continued Examination (RCE) that is being filed instead of an Appeal Brief.

A Notice of Appeal was received by the United States Patent and Trademark Office on August 7, 2008 for the above-identified patent application. A Petition for a Two-Month Extension is enclosed, thereby extending the deadline by which to file an Appeal Brief to Monday, December 8, 2008 since December 7, 2008 falls on a Sunday.

However, in lieu of filing an Appeal Brief, Applicant respectfully request that prosecution be re-opened with the filing of this Amendment Accompanying the RCE.

Claims 56-72 are pending.

Although Applicants respectfully submit that claims 56-72 are patentable for at least the reasons as set more fully in the record, Applicants have amended, without prejudice, at least the independent claims herein to expedite prosecution, to further clarify the subject matter therein and/or to address noted informalities.

Claim 56, 60 and 65 stand rejected under the judicially created doctrine of obviousness-type double patenting. Applicants respectfully traverse the rejection as set forth below.

In view of at least the amendments made herein with respect to at least claims 56, 60 and 65, it is respectfully submitted that each claims, considered in its entirety, is not obvious in view of the alleged claims of U.S. Patent No. 5,410,141.

It is therefore respectfully requested that the judicially created rejection be withdrawn with respect to claims 56, 60 and 65 and their respective rejected dependent claims (i.e., claims 57-59, 61-64 and 66-72).

Claims 56-72 stand rejected under 35 U.S.C. § 103(a) as being obvious over a combination of documents. Applicants respectfully traverse the rejection as set forth below.

As noted, the independent claims have been amended herein.

Independent claim 56 recites “a terminal that has a microphone and a speaker that provide

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voice input/output, wherein the terminal provides a voice recognition control system that uses the microphone, wherein the terminal provides a graphical user interface that includes a touch-sensitive display; a wireless transceiver arranged to transmit and receive radio frequency signals, the transceiver being operatively coupled with the at least one antenna, the transceiver being operatively coupled to a rechargeable battery; a CCD sensor that senses an optical image; and a connector arranged to couple the wireless transceiver with the terminal and to transmit signals, wherein the terminal is coupled with the connector and is arranged to standardize logic levels and a format of the signals transmitted over the connector”.

Independent claim 60 recites “a microphone and a speaker that provide voice input/output, the microphone being used with a voice recognition control system; a touch-sensitive graphical display that is capable of being operatively coupled to a rechargeable battery; a CCD sensor that senses a wireless image signal; a wireless communications module comprising a transceiver arranged to transmit and receive radio frequency signals, the module being of such a size and weight as to be handheld; at least one antenna coupled with the transceiver and embedded within the communications module; and a connector arranged to engage the communications module from the terminal and to transmit signals, wherein the terminal is coupled with the connector and is arranged to standardize logic levels and a format of the signals transmitted over the connector”.

Independent claim 65 recites “a microphone and a speaker that provide voice input/output, the microphone being used with a voice recognition control system; a user interface that includes a touch-sensitive graphical display, the touch-sensitive graphical display being operatively coupled to a rechargeable battery; a wireless communications module comprising a transceiver arranged to transmit and receive radio frequency signals, the module having such a size and weight as to be handheld; at least one antenna coupled with the communications module and embedded within the communications module; and a connector arranged to engage the communications module with the terminal and to transmit signals, wherein the terminal is arranged to standardize logic levels and a format of the signals transmitted over the connector”.

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Independent claim 69 recites “a microphone and a speaker that provide voice input/output, the microphone being used with a voice recognition control system, a graphical user interface that provides a touch-sensitive display, the graphical user interface being operatively coupled to a rechargeable battery, a CCD sensor that senses an optical image, a wireless communications module having a generally flat rectangular shape and having such a size and weight as to be handheld, the module being coupled to the terminal through the connector and comprising a transceiver arranged to transmit and receive radio frequency signals”.

As alleged, the *prima facie* case of obviousness based on the combination of documents does not address each and every element including, for example, at least the elements added herein via amendment. Accordingly, a *prima facie* case of obviousness has not yet been presented with respect to at least these independent claims.

It is therefore respectfully requested that the obviousness rejection be withdrawn with respect to claims 56-72.

Applicants do not necessarily agree or disagree with the Examiner’s characterization of the documents made of record, either alone or in combination, or the Examiner’s characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

Applicant respectfully reserves the right to pursue, without prejudice, subject matter that has been cancelled, amended and/or withdrawn in a related and/or continuing application.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

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In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: December 8, 2008

Respectfully submitted,

/Michael T. Cruz/

Michael T. Cruz

Reg. No. 44,636

McANDREWS, HELD & MALLOY, LTD.

500 West Madison Street, Suite 3400

Chicago, Illinois 60661

Telephone: (312) 775-8000

Faxsimile: (312) 775-8100